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Date of Deposit: July 29, 2002

Attorney Docket No: 21578-013RCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS :Nathan H. Sloane

SERIAL NUMBER :08/986,606

EXAMINER :A Davenport

FILING DATE :December 8, 1997

ART UNIT :1653

FOR :SIXTEEN AMINO ACID OF THE ANTINEOPLASTIC PROTEIN (ANUP)  
AS A PHARMACOLOGICALLY ACTIVE ANTI-TUMOR AGENT

July 29, 2002  
Boston, Massachusetts



Commissioner of Patents  
Washington, D.C. 20231

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AUG 05 2002

TRANSMITTAL LETTER

TECH CENTER 1600/2900

Sir:

Transmitted herewith for filing in the present application are the following documents:

- ☒ Amendment in Response (12 pgs.);
- ☒ Copy of Notice of Improper Request for Continued Examination (1 pg.);
- ☒ Change of Attorney Docket Number; and
- ☒ Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts. The Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311, Reference No. 21578-013RCE. A duplicate copy of this Transmittal Letter is enclosed.

Respectfully submitted,

*LA Beattie*

Ingrid Beattie 42,306

Attorney for Applicants

c/o MINTZ LEVIN COHN FERRIS

GLOVSKY & POPEO, PC

One Financial Center

Boston, Massachusetts 02111

Tel.: (617) 542 6000

Fax: (617) 542-2241



30623

PATENT TRADEMARK OFFICE



APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

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**NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)**

The request for continued examination (RCE) under 37 CFR 1.114 filed on  
06/19/02 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

**Note:** If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

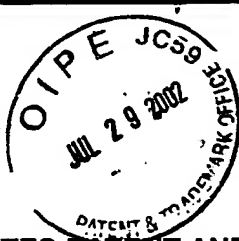
**A copy of this notice MUST be returned with any reply.**

Direct the reply and any questions about this notice to:

Daveina B. Williams \_\_\_\_\_, Examining Group 1600/Art Unit 1653  
(703) 306-4087.

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Date of Deposit: July 29, 2002



Attorney Docket No: 21578-013RCE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : Sloane, Nathan H.  
SERIAL NUMBER : 08/986,606 EXAMINER: R. Teller  
FILING DATE : December 8, 1997 ART UNIT: 1653  
FOR : Sixteen Amino Acid of the Antineoplastic Protein (ANUP) as a  
Pharmacologically Active Anti-Tumor Agent

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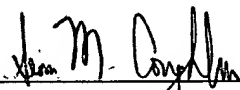
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Washington, DC 20231

**STATEMENT IN SUPPORT OF COMPUTER READABLE  
FORM SUBMISSION UNDER 37 C.F.R. § 1.821(f)**

I hereby state that the content of the paper and computer readable forms of the Sequence Listing, submitted in the above-identified application in accordance with 37 C.F.R. § 1.821(c) and 1.821(e), respectively, are the same. No new matter is added at this time.

Respectfully submitted,

Dated: July 29, 2002

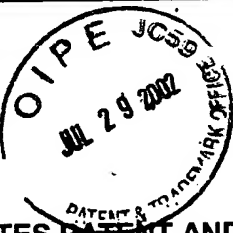
  
Sean M. Coughlin 48,593  
c/o MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY and POPEO, P.C.  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241

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Attorney Docket No: 21578-013RCE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Sloane, Nathan H.  
SERIAL NUMBER : 08/986,606 EXAMINER: R. Teller  
FILING DATE : December 8, 1997 ART UNIT: 1653  
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Pharmacologically Active Anti-Tumor Agent

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TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in the present application are the following documents:

- ☒ Preliminary Amendment (1 pg.);
- ☒ Paper Copy of the Sequence Listing (1 pg.);
- ☒ Computer Readable Form Copy of the Sequence Listing (1 diskette);
- ☒ Statement in Support of Computer Readable Form Submission (1 page); and
- ☒ Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts. The Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311, Reference No. 21578-013RCE. A duplicate copy of this Transmittal Letter is enclosed.

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*Ingrid Beattie*

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